

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARIUS GUYTON,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:09CV00820 AGF (TIA)
)	
JEFF NORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by petitioner Darius Guyton. The Court referred this matter to United States Magistrate Judge Terry I. Adelman for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. §636(b). On May 30, 2012, Magistrate Judge Adelman filed his Report and Recommendation recommending that Petitioner's habeas petition should be dismissed. (Doc. No. 11.) Petitioner did not object to the Report and Recommendation, and his time for doing so has now expired.

After review of the records and consideration of the issues, the Court hereby sustains, adopts, and incorporates herein the Magistrate Judge's well-reasoned Report and Recommendation.

The Court does not believe that reasonable jurists might find the Court's resolution of the issues in this case debatable or wrong, for purposes of issuing a certificate of appealability under 28 U.S.C. § 2253(c)(2). *See Miller-El v. Cockrell*, 537 U.S. 322, 337

(2003) (standard for issuing a Certificate of Appealability) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)); *Langley v. Norris*, 465 F.3d 861, 862-63 (8th Cir. 2006) (same).

Accordingly,

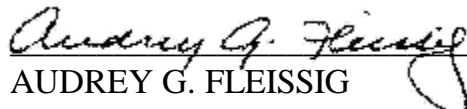
IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Terry I. Adelman is sustained, adopted, and incorporated herein.

(Doc. No. 11.)

IT IS FURTHER ORDERED that the Petition of Darius Guyton for habeas corpus relief is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2012